



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/005,341
Applicant : ROLANDO et al
Filed : December 7, 2001
TC/A.U. : 1642
Examiner : Misook Yu

Docket No. : 3035-103
Customer No. : 6449
Confirmation No. : 9449

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Restriction Requirement mailed August 5, 2004, the applicants hereby elect Group 1, namely claims 1-27. This election is with traverse.

The Examiner's restriction is traversed on the grounds that the claimed process for using the product cannot be used with another materially different product, and the claimed product cannot be used in materially different process. The Examiner took the position that the product as claimed can be used in a materially different process, namely in a process for making an antibody. In reply to this point, the applicants submit that the claimed product has both an antibody component and a vaccine component. The product is therefore useful in a combination therapy involving both active and passive immunotherapy. The concurrent targeting of the RTK receptor with an antibody and the induction of a specific antibody response against the autologous RTK receptor provides a synergistic effect in inhibiting the proliferation of cells. The claimed immunotherapy combination is not

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useful for a materially different process, such as the production of antibodies per se in commercial applications.

In view of the above, it is believed that the restriction requirement should be withdrawn, and such action is requested.

The Examiner also required an election of species in the three genus identified by the Examiner. In response to this election of species requirement, the applicants hereby elect the following species:

Genus 1 – antibody capable of binding EGF-R

Genus 2 – EGF

Genus 3 – EGF conjugation protein.

Claims 1-9, 12-21, 23-25 and 27-33 read on the elected species. It is believed that the Examiner will find the elected species to be patentable, and therefore rejoinder of the remaining species with the elected species should be found to be in order and is requested.

Early and favorable action on the merits is awaited.

Respectfully submitted,

By

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